



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,738	08/22/2001	Kaoru Kobayashi	CS-37-010822	6510

22712 7590 04/01/2004

PAUL A. GUSS
PAUL A. GUSS ATTORNEY AT LAW
775 S 23RD ST FIRST FLOOR SUITE 2
ARLINGTON, VA 22202

EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,738

Applicant(s)

KOBAYASHI, KAORU

Examiner

Firmin Backer

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

This is in response to an amendment file on March 16th, 2004 for letter for patent filed on August 22nd, 2001 in which claims 1-12 were presented for examination. In the amendment, claims 1-4 have been amended, no claim has been canceled, and no claim has been added.

Claims 1-12 remain pending in the letter.

Response to Arguments

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wachtfogel et al. (U.S. PG Pub No. 2002/0138831) in view of Jokinen et al (U.S. PG Pub No. 2002/0095333).

4. As per claim 1, Wachtfogel et al. teaches an advertising system (*advertisement in an end user controlled playback environment, 10*), which provides advertisements (*transmit*

Art Unit: 3621

advertisements) on a display (*displaying*) of a computer (*user unit, 20, 35*) through a network (*network, 30*) communications system (*satellite system, 25*), comprising storing means (*memory, 220*) for storing advertisements after gradually fractionalizing advertisement areas thereof (*see paragraph 0174*), categorizing the advertisements according to levels of fractionalization and area sections within the levels (*see paragraph 0174*), and categorizing the advertisements according to the content thereof (*see paragraph 0174*), data receiving means (*user unit*) for receiving from the computer perusal data indicating the levels of fractionalization, the area sections within the levels and the content of the advertisements (*see paragraph 0174*), retrieving means for retrieving, from information stored in the storing means, advertisements categorized according to the levels of the fractionalization, the area sections and the content of the advertisements, all of which are concerned with the perusal data received by the data receiving means, and data transmitting means for transmitting to the computer advertisement data on the advertisements retrieved by the retrieving means (*see paragraph 0175, 0176*). Watchfogel et al fail to teach an inventive concept wherein advertisements are arranged into more specific geographic area. However Jokinen et al teach inventive concept wherein advertisement are arranged into more specific geographic area (*see paragraph 0083 and 0060*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Watchfogel et al to include Jokinen et al's inventive concept wherein advertisement are arranged into more specific geographic area because this would have permitted advertisements to be specifically targeted at subscribers by creating an infrastructure, system, and methods for delivering these targeted advertisements.

Art Unit: 3621

5. As per claim 2, Wachtfogel et al. teaches an advertising system wherein the data receiving means further comprises means for receiving from the computer for providing advertisements category data on the levels of the fractionalization with respect to the advertisements, the area sections on the levels and the content of the advertisements; and the storing means further comprises means for storing the advertisements by categorizing them based on the category data received by the data receiving means (*see paragraph 0174*).

6. As per claim 3, Wachtfogel et al. teaches an advertising system wherein the storing means further comprises means for storing the advertisements containing common content in given area limits within higher levels of the fractionalization (*see paragraph 0174*).

7. As per claim 4, Wachtfogel et al. teaches an advertising system further comprising a counter for counting the number of the advertisements containing the common content in given area limits, according to the content of the advertisements, wherein the storing means further comprises means for storing a higher number of the advertisements containing the common content in given area limits within the higher levels of the fractionalization (*see paragraph 0174*).

8. As per claim 5-8, Wachtfogel et al. teaches an advertising system wherein the computer comprises a mobile computer which is small and portable in size (*see fig 1, 2*).

Art Unit: 3621

9. As per claim 9-12, Wachtfogel et al. teaches an advertising system wherein the storing means comprises means for storing both job advertisements as part of the advertisement and employment periods as part of the content of job advertisements and the data transmitting means comprises means for transmitting to the computer advertisement data on job advertisements, enabling the computer to display job advertisements of advertisement data in chronological order according to each employment period (*see paragraph 0174*).

Conclusion

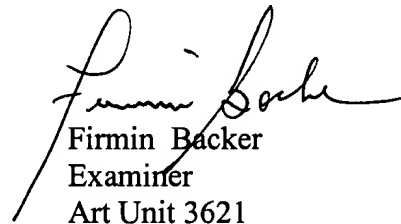
10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer
Examiner
Art Unit 3621

March 26, 2004